



# RCRA Simplified: Top 10 Violations and Other Common Slip-Ups

Iowa Strategic Goals Program Workshop

November 10, 2015

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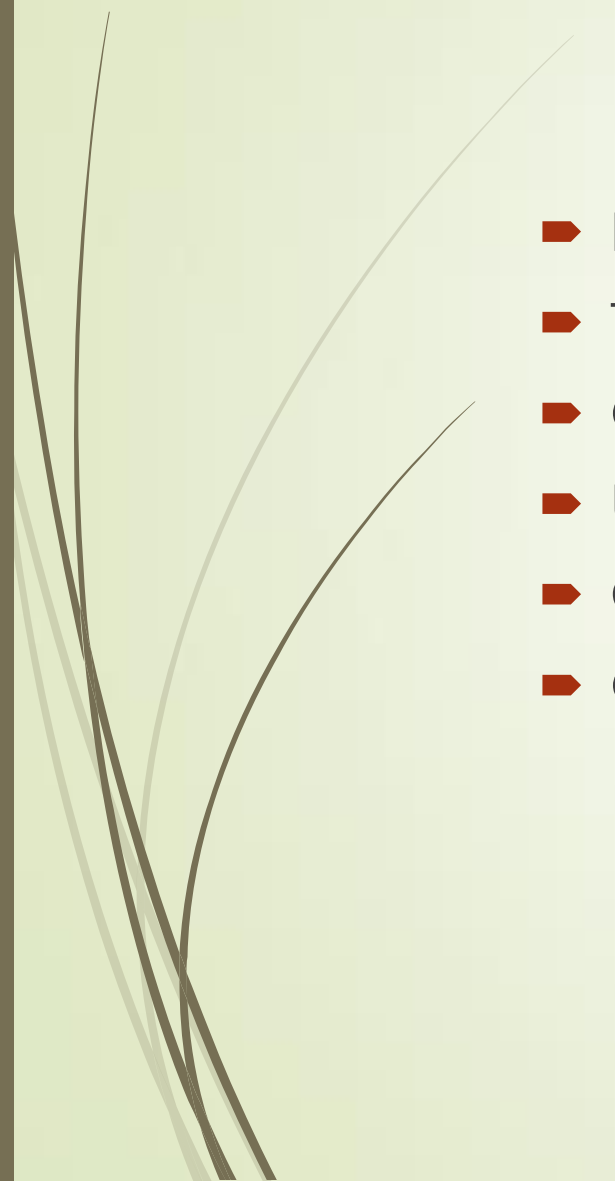


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# Agenda

- Brief Review of RCRA
  - Top 10 RCRA Violations
  - Other Common Slip-Ups
  - Upcoming Proposed Changes
  - Case Studies
  - Questions
- 

# Brief Summary of RCRA

- Cradle to grave management
- Iowa RCRA Subtitle C program run by EPA though direct implementation
  - Likely to see contract inspectors
  - Inspection follow-up and enforcement completed by EPA Region 7 office



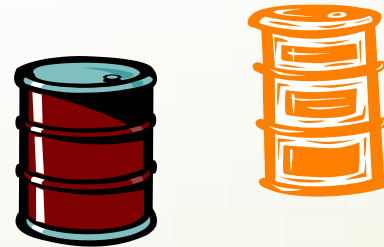


# Brief Summary of RCRA (continued)

- Treatment, Storage, or Disposal Facility – RCRA Permit Required
- 3 Generator Classifications
  - Large Quantity Generator (LQG)
    - Generate greater than 1,000 kg/mo. of non-acute hazardous waste
    - Generate greater than 1 kg of acute hazardous waste
    - Accumulate greater than 6,000 kg of non-acute hazardous waste
  - Small Quantity Generator (SQG)
    - Generate between 100 kg/mo. and 1,000 kg/mo. of non-acute hazardous waste
    - Accumulate up to 6,000 kg of non-acute hazardous waste
  - Conditionally Exempt Small Quantity Generator (CESQG)
    - Generate less than 100 kg/mo. of non-acute hazardous waste
    - Generate less than 1 kg of acute hazardous waste
    - Accumulate less than 1,000 kg of non-acute hazardous waste

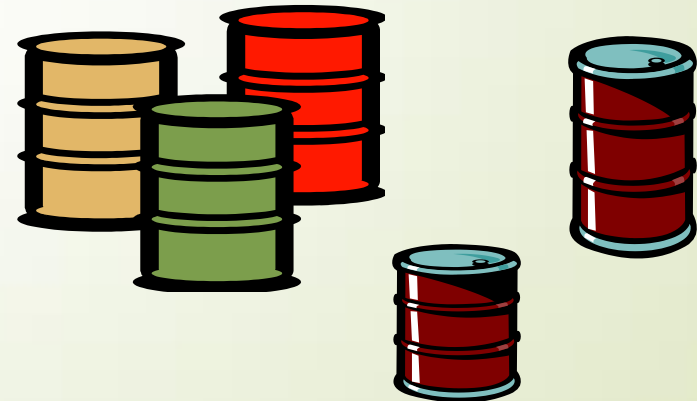
# Brief Summary of RCRA (continued)

- CESQG – 40 CFR 261.5
  - Make proper waste determinations – 40 CFR 262.11
  - Ensure proper counting of hazardous wastes generated
  - Send hazardous wastes to appropriate facilities



# Brief Summary of RCRA (continued)

- SQG and LQG
  - Make appropriate hazardous waste determination – 40 CFR 262.11
  - Based on hazardous waste determinations, generators must correctly calculate their generator status
  - Manage tanks and containers in accordance with regulations – 40 CFR 262.34 and the incorporated sections
  - Correctly manifest and dispose of hazardous waste – 40 CFR 262.20 and 40 CFR 268



# Brief Summary of RCRA (continued)

- Iowa has a ban on hazardous waste in municipal solid waste landfills
  - Codified in Iowa's Administrative Code 113.8(1)b
  - Basically states that any waste that is deemed hazardous, either listed by EPA or characteristic (ignitable, corrosive, reactive or toxic), may be banned from disposal in a Municipal Solid Waste Landfill





# The Top 10 RCRA Violations



# Top 10 RCRA Violations - #10



- Used Oil Management:
  - Top Viewed:
    - Label containers as “Used Oil” – 40 CFR 279.22(c)
    - Used oil releases – 40 CFR 279.22(d)
  - But Don’t Forget:
    - Rebuttable presumption – 40 CFR 279.10(b)(1)(ii)
    - Used oil specifications – 40 CFR 279.11











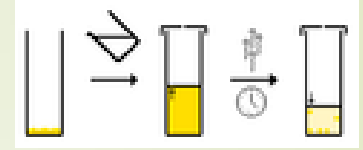








# Top 10 RCRA Violations - #9



- Treatment – Evaporation – SWDA § 3005 (42 U.S.C. § 6925)
  - Definition: 40 CFR 260.10
    - **Any** method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste **so as to** neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduce in volume.
  - Treatment Commonly Observed:
    - Waste Solvents
      - Containers left in fume hoods to be evaporated
      - Open containers
      - Solvent-contaminated rags
    - Reason: To avoid cost for disposal at a TSDF. (Landfills will not take if containing free liquids.)







# Top 10 RCRA Violations - #8



- Training Plan and Missed Training
  - Training Plan: 40 CFR 265.16(d)
    - Training - Often missing introductory and continuing training
    - Job descriptions - Often missing hazardous waste duties, education requirements, etc.
  - Training Records: 40 CFR 265.16(d)(4) and (e)
    - Need to keep records of EVERYONE who needs hazardous waste training and ensure that EVERYONE who manages hazardous waste is trained
    - Maintain records for current employees, and for 3 years for former employees

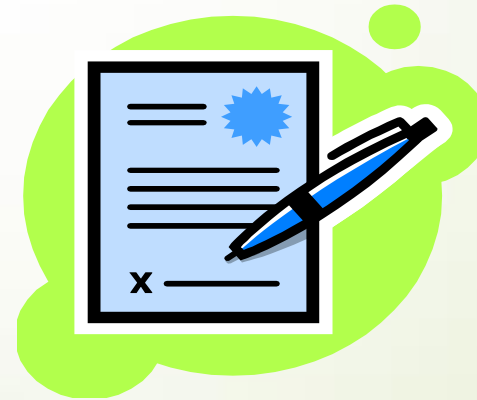
# Top 10 RCRA Violations - #7



- Contingency Plan and Training on Contingency Plan
  - Contingency Plan: 40 CFR 265.52
    - Emergency Equipment List (need locations and both descriptions and capabilities)
    - Emergency Coordinators – Need name, addresses (home and office), and telephone numbers (home and office)
    - Evacuation Plan – especially the alternate evacuation route and describing signals used to begin evacuation
  - Contingency Plan Training – 40 CFR 265.16(a)(2)

# Top 10 RCRA Violations - #6

- Land Disposal Restrictions:
  - Failing to maintain copies of LDRs – 40 CFR 268.7
- Not commonly cited in the field, but often cited in orders



# Top 10 RCRA Violations - #5

- Manifests – 40 CFR 262.20 and 40 CFR 262, Appendix A
  - Lack of use
  - Not keeping signed copies
  - Lack of exception report

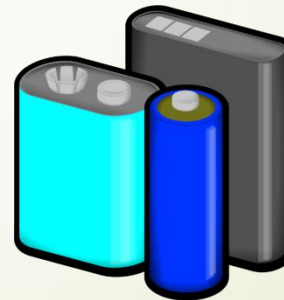


# Top 10 RCRA Violations - #4



## ➤ Universal Waste Container Management

- Closed (fully closed, box in good condition, etc.) – 40 CFR 273.13(d)(1)
- Labeling (using “bulbs” or “lights”, rather than “lamps”) – 40 CFR 273.14(e)
- Tracking length of time – 40 CFR 273.15(c)
- Storage less than 1 year (*this is why dating is important!*) – 40 CFR 273.15(a)
- Training – 40 CFR 273.16



















# Top 10 RCRA Violations - #3



- Satellite Accumulation Container Management
  - To be considered a satellite accumulation container, the following must be met: 40 CFR 262.34(c)(1)
    - Container is at or near pt. of gen.
    - Container is under the control of the operator
  - Violations observed:
    - Unlabeled containers – 40 CFR 262.34(c)(1)(ii)
    - Open containers – 40 CFR 262.34(c)(1)(i)
    - Container not moved within 3 days of exceeding 55 gallons – 40 CFR 262.34(c)(2)
  - CAUTION: If not complied with, container may be determined to be an accumulation container









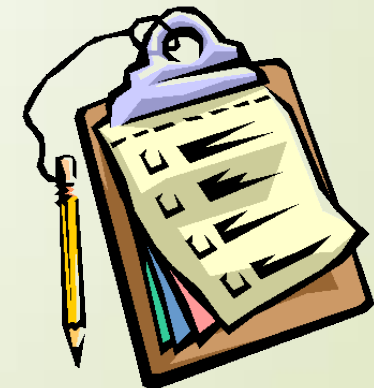




# Top 10 RCRA Violations - #2

## ➤ Hazardous Waste Container Management

- Label – “Hazardous Waste” – 40 CFR 262.34(a)(3)
- Date – 40 CFR 262.34(a)(2)
- Close – 40 CFR 262.34(a)(4) ref. 40 CFR 265.173(a)
  - Guidance on closed containers:  
[http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/DC2AFFCA7960F08A8525795F00610EE7/\\$file/14826.pdf](http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/DC2AFFCA7960F08A8525795F00610EE7/$file/14826.pdf)
- Weekly inspections – 40 CFR 262.34(a)(4) ref. 40 CFR 265.174
- Accumulation time limit – 40 CFR 262.34(a) and (d)
  - 90 days for LQGs
  - 180 days for SQGs















# Top 10 RCRA Violations - #1



## ➤ Waste Determinations – 40 CFR 262.11

### ➤ Questions to Ask Yourself:

- What about those old containers collecting dust???
- Has my facility changed the chemicals used in the last 5 years?
- Have I analyzed all the new chemicals?
- What about my TCLP testing? How often am I testing? Is the waste stream homogeneous?
- Has the process changed in the last few years?
- Have I adequately evaluated my chemicals?
- Is my waste excluded from the definitions of either solid and hazardous waste?
- Is the waste a Characteristic and/or Listed hazardous waste? Am I sure that I have included ALL waste codes prior to manifesting?



















# Common Slip-Ups



- Solvent Rags

- 2013 Rule Includes:

- Conditional exclusion for disposable rags
    - Exclusion for laundered rags

- Link to Fact Sheet:

[http://www3.epa.gov/epawaste/hazard/wastetypes/wasteid/solvents/sumry\\_chrt\\_wipes\\_fnl\\_rul\\_070913.pdf](http://www3.epa.gov/epawaste/hazard/wastetypes/wasteid/solvents/sumry_chrt_wipes_fnl_rul_070913.pdf)

# Common Slip-Ups (continued)

- ▶ Parts Washers

- ▶ Continued Use Programs

- ▶ What solvent is used (high or low flash point)?
    - ▶ How will the waste solvent continue to be used when it leaves the generator's facility?
      - ▶ If used as an ingredient, are there any toxics along for the ride?
      - ▶ If it's reused, is it still used for its intended purpose?
    - ▶ Not allowed in Iowa if the solvent is a hazardous waste (metals or flash point)

- ▶ Waste Determinations

- ▶ Metals?
    - ▶ Flash point



# Common Slip-Ups (continued)

- Recycling

- 4 Legitimacy Factors – 40 CFR 260.43

- 2 Core Factors:

- Useful contribution

- Valuable product or intermediate

- 2 Additional Factors That Must be Considered:

- Managed as a valuable commodity

- Comparison of toxics in the product





# Common Slip-Ups (Continued)

- I'm a TSDF? How did that happen?
  - Operating as a Treatment, Storage, or Disposal Facility Without a Permit
    - Not typically cited in field
    - Due to case law, EPA groups generator violations and statutory requirement under this count
  - Violations Groups Under This Count:
    - Illegal Treatment, Storage, Disposal
      - Treatment – Leave container out to dry so it can be disposed in the general trash
      - Storage – Missed accumulation time frame (if disposal company is running late or unable to pick up the container, can ask for one-time 30-day extension)
      - Disposal – Often due to lack of adequate waste determination
    - Failing to comply with 40 CFR 262.34 requirements





# Upcoming Proposed Changes

- EPA is proposing to:
  - Revise certain components of the hazardous waste generator regulatory program
  - Address gaps in the regulations
  - Provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner
  - Reorganize the hazardous waste generator regulations to make them more user-friendly, thus improving their usability by the regulated community
  - Make technical corrections and conforming changes to address inadvertent errors, remove obsolete references to programs that no longer exist, and improve the readability of the regulations
- Federal Register – Vol. 80, No. 186 – Friday, September 25, 2015  
Proposed Rules ([www.gpo.gov](http://www.gpo.gov))
- Comments must be received on or before November 24, 2015.



# Enforcement

- EPA inspector arrives at ABC Facility – interviews, walks through facility, gathers information, and leaves a Notice of Preliminary Findings
- Following the inspection, ABC Facility and EPA may correspond (e.g., phone calls, NOPF responses, Letters of Warning/Requests for Information, etc.)
- Based on this information, EPA may calculate a penalty and begin negotiations

# Enforcement

- Why do the Top 10 RCRA Violations matter?
- EPA's goal is compliance, but EPA still has enforcement authorities/responsibilities
- Common Enforcement Counts:
  - Waste determinations
  - Operating as a TSDF w/o a permit
  - Manifests/LDRs
  - Universal waste
  - Used oil
  - Biennial Report





# Case Studies

- Universities
  - Manufacturing Facilities
- 



# Contact Information



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